

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

CANDY L. SHARPE,

Plaintiff,

and

STATE OF WISCONSIN  
DEPARTMENT OF HEALTH  
SERVICES,

Involuntary Plaintiff,

v.

WAL-MART STORES EAST LP, ABC  
INSURANCE COMPANY, DEF  
INSURANCE COMPANY, GHI  
INSURANCE COMPANY, DEAN  
HEALTH PLAN INC., COMMON  
GROUND HEALTHCARE  
COOPERATIVE, NETWORK  
HEALTH PLAN, CONTINENTAL 76  
FUND LLC, WAL-MART REAL  
ESTATE BUSINESS TRUST, JKL  
CORPORATION, and MNO  
INSURANCE COMPANY,

Defendants.

Case No. 18-CV-1912-JPS

**ORDER**

On December 4, 2018, this personal injury case was removed from Washington County Circuit Court to the Eastern District of Wisconsin pursuant to 28 U.S.C § 1332, and randomly assigned to Magistrate Judge David E. Jones. (Docket #1). On January 28, 2019, the involuntary plaintiff in this matter, State of Wisconsin Department of Health Services (“DHS”)

filed a motion to dismiss itself from the action. (Docket #29). On February 1, 2019, the case was reassigned to this branch of the court.

Under Wis. Stat. § 49.89(2), DHS has a subrogated interest in the payment of Plaintiff's medical claim in this action, and "may make a claim or maintain an action or intervene. . . against the 3rd party." However, DHS has determined that Plaintiff's medical expenses are below the threshold at which it pursues recovery. (Docket #29 at 2). Therefore, DHS moves to dismiss itself from the lawsuit with prejudice, and "releases and discharges its subrogation lien resulting from a claim under Wis. Stat. § 49.89(2), without costs to any party[.]" *Id.* There have been no objections to this motion.

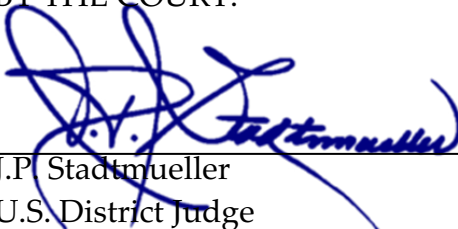
Accordingly,

**IT IS ORDERED** that the State of Wisconsin Department of Health Services' motion to dismiss (Docket #29) be and the same is hereby **GRANTED**; and

**IT IS FURTHER ORDERED** that State of Wisconsin Department of Health Services be and the same is hereby **DISMISSED** from this action **with prejudice** and without costs to any party.

Dated at Milwaukee, Wisconsin, this 8th day of March, 2019.

BY THE COURT:



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J.P. Stadtmueller  
U.S. District Judge